

REMARKS

An excess claim fee payment letter is submitted herewith for five (5) excess total claims and one (1) excess independent claim.

Claims 1-41 are all the claims presently pending in the application.

Claims 3, 7, 12, 16, 20, 24-26, 28, 29, and 31-34 are amended merely to make editorial changes in conformance with U.S. Patent practice.

Claims 14, 15, 19, 23, and 36 are amended to define more clearly the features of the invention.

New claims 37-41 have been added to define more clearly the features of the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-36 stand rejected on prior art grounds.

With respect to the prior art rejections, claims 1-4, 12-14, 19 and 21-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Allen et al. (U.S. Patent No. 5,737,491). Claims 5-10, 15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. in view of Clapper (U.S. Patent No. 6,023,241). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. in view of Hamilton (NPL reference). Claim 16 stands rejected under 35 U.S.C. § 103(a) as

being unpatentable over Allen in view of Clapper and further in view of Schmitt et al. (U.S. Patent No. 5,865,745). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen et al. in view of Schmitt.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Conventional medical systems introduced into hospitals have identification information on patients (patient IDs) and the patients' diagnosis images or case records relatedly recorded in a database so that the diagnosis images can be read out from the database for use as required. On the other hand, an image photographed using a digital camera is associated with a patient ID. For example, first, the patient ID (number) and the diagnosis image are photographed in connection with each other. Then, the photographed image is associated with the patient ID. Alternatively, the patient ID is input from a keyboard connected to the digital camera, and a folder identical to that for the patient ID is created so that a photographed image is recorded in this folder (e.g., see specification at page 1, lines 12-22).

The first method is cumbersome because it requires extra operations of photographing the patient ID and associating the photographed image with the patient ID. On the other hand, in the method 2), an operator manually inputs the patient ID, so that an input error is likely to occur, causing the patient to be mistaken for another patient. Further, if an input error occurs, it cannot be easily detected. Furthermore, since the keyboard is connected to the digital camera, it may obstruct the movement of the camera or a change in camera angle during photographing (e.g., see specification at page 1, lines 23-29).

Moreover, with the conventional medical systems, even if a patient ID is displayed on the display of the camera as additional information, it cannot be checked on the basis of the contents of the display whether or not this patient ID matches the patient ID imparted to the patient to be photographed. This results in the need for an extra operation of simultaneously photographing the patient and the patient ID (number) or the like and associating the photographed image with the patient ID, which is cumbersome (e.g., see specification at page 2, line 32, and page 3, lines 1-5).

Further, with a large amount of additional information, the restricted display of the camera (for example, a character liquid crystal) does not allow the entire information to be displayed, thereby also preventing the photographer from checking what additional information is added to the image (e.g., see specification at page 3, lines 6-9).

On the other hand, the claimed invention (e.g., see independent claims 1 and 15) provides an image recording method and apparatus which can simplify the input of identification information on a subject, which enables an easy check on the correspondence between the subject identification information input before photographing and the subject to be photographed, and which can automatically record information in a format suitable for a database (e.g., see specification at page 3, lines 11-16).

The claimed invention (e.g., see independent claim 14) also provides an image transmitting method which can simplify the input of information on the destination of an image and which can automatically transmit a photographed image to a destination corresponding to the destination information (e.g., see specification at page 3, lines 17-20).

The claimed invention (e.g., see independent claims 23 and 36) also provides an image recording method and system wherein if additional information input from an external device is recorded in connection with an image of the subject, a camera can be used to easily check what added-to-image information is added, whether or not the added-to-image information is correct as information added to the image of the subject, and the like (e.g., see specification at page 3, lines 21-25).

For example, in an illustrative, non-limiting embodiment of the present invention, as defined by independent claim 1, an image recording method includes an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject, a display step of displaying, on the basis of the subject information, subject information on a display device of the digital camera, a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device, and a recording step of recording the photographed image of the subject in connection with the identification information loaded in the information loading step.

Independent claim 14, 15, 19, 23, and 36 recite somewhat similar apparatus and methods according to other exemplary aspects of the invention.

II. THE PRIOR ART REJECTIONS

A. Claims 1-4, 12-14, 19 and 21-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Allen.

However, Applicant respectfully submits that Allen does not disclose or suggest all of the features of the claimed invention. Therefore, Applicant respectfully traverses this rejection.

Independent Claim 1

Independent claim 1 defines an image recording method including:

an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject;

a display step of displaying, on the basis of the subject information, subject information on a display device of the digital camera;

a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device; and

a recording step of recording the photographed image of the subject in connection with the identification information loaded in the information loading step (emphasis added).

Accordingly, the claimed invention provides an image recording method and apparatus which can simplify the input of identification information on a subject, which enables an easy check on the correspondence between the subject identification information input before photographing and the subject to be photographed, and which can automatically record information in a format suitable for a database (e.g., see specification at page 3, lines 11-16).

In comparison, the device and method of Allen are not even concerned with confirming the subject before taking a photograph of the subject, as with the claimed invention. Instead, Allen merely is directed to taking photographs (for example, by a sports photographer at a sporting event) and transmitting (using voice commands) such

photographs to a destination via a wireless transmission to a local image fulfillment center for printing or further transmission (e.g., see Allen at column 1, lines 57-65).

In the present Office Action, the Examiner alleges that Allen discloses (see Allen at column 2, lines 63-65, and Figure 1, reference numeral 27) “*an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject*” (see Office Action at page 2, numbered paragraph 1, lines 6-8; emphasis added).

However, Applicant respectfully submits that Allen does not disclose or suggest at least “*an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject*” as claimed.

Instead, Allen merely discloses that “[t]he camera 10 includes an interface, such as a SCSI port, for connecting to an external input device 27 such as a keyboard or LCD touch screen. The external input device 27 may be used to enter information such as text annotation, electronic addresses or file names that are to be associated with photographer’s utterances. An example of this would be an e-mail address such as *maghadam@kodak.com* which is associated with a spoken command such as ‘address 1’, or ‘grandma’ ” (see Allen at column 2, lines 63-67, and column 3, lines 1-4; emphasis added).

Allen clearly does not disclose, suggest, or even mention that any of these items represent “*subject information*” which is (or can be) “*used by a photographer to confirm the subject*” as claimed.

As the Examiner surely knows, each and every feature of the claimed invention must be disclosed in the cited reference, and in as complete detail and with the same arrangement as claimed, in order to anticipate the claimed invention.

In this case, Allen clearly does not disclose or suggest the claimed “information loading step of loading information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject.”

In stark contrast to the claimed invention, Allen does not disclose or suggest confirming the subject before taking a photograph of the subject. In fact, the information loaded into the camera by Allen is not even used by the camera until after the photograph is taken.

Thus, Allen clearly does not load “subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject” as claimed.

For example, Allen specifically discloses that “a photograph captures the image of a scene with the digital camera 10, and verbally instructs the camera to perform one or more of the command functions listed in Table 1” (see Allen as column 3, lines 49-52). Clearly, the loaded information of Allen is not information which is used to confirm the subject before photographing the subject, as claimed. Instead, the loaded information of Allen is used for the verbal instructions after the image is captured.

As another example, in describing “[t]he operation of the system with the voice recognition capability in the camera 10”, Allen specifically states that “[t]he photographer actuates the camera 10 to capture a digital image 52. Next, the photographer engages the microphone switch 54 and enters a voice command 56” (see Allen as column 4, lines 36-41; see also Figure 2).

As yet another example, Allen specifically discloses that “*[f]irst, the photographer captures an image 82. Next, the photographer engages the microphone switch 84 and enters a voice command 86*” (see Allen at column 5, lines 6-8).

Thus, Allen clearly does not disclose or suggest that the information loaded into the camera is even used by the camera until after the photograph is taken. That is, the loaded information of Allen is not information which is used to confirm the subject before photographing the subject, as claimed.

For the foregoing reasons, Allen clearly does not disclose or suggest that such information loaded into the camera includes “*subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject*” as claimed in independent claim 1.

Moreover, in the present Office Action, the Examiner also alleges that Allen discloses (see Allen at Figure 1, reference numeral 10) “*a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device*” and that “[i]t would be inherent to use a digital camera equipped with a viewfinder to confirm and take photographs” (see Office Action at page 2, numbered paragraph 1, lines 11-14).

First, Applicant submits that, for the reasons set forth above, Allen clearly does not disclose taking the photograph “*after confirming the subject on the basis of the display on the display device*”, as alleged. In fact, Allen does not even mention “*confirming the subject*”, or for that matter, using the loaded information to confirm the subject.

Instead, the loaded information of Allen merely is used for voice recognition commands after the photograph has been captured, as specifically described by Allen above.

Second, Applicant respectfully submits that the claim language does not recite using the viewfinder merely “*to confirm and take photographs*”, as alleged.

Applicant respectfully submits that the Examiner erroneously appears to be paraphrasing the language of the claims. However, as noted above, each and every element of the claimed invention must be disclosed in the cited reference, and in as complete detail and with the same arrangement as recited in the claims, in order to anticipate the claimed invention.

Instead, claim 1 recites “*a photographing step of photographing the subject using the digital camera **after** confirming the subject on the basis of the display on the display device*”.

That is, before the photograph is captured, the subject is confirmed based on the subject information displayed on the display device. Thus, the claimed invention does not merely use the display or viewfinder “*to confirm and take photographs*” as alleged in the Office Action.

Clearly, as set forth above, Allen does not disclose or suggest (or, for that matter, even mention) confirming the subject based on the display of the display device before performing a photographing step of photographing the subject, as claimed.

Thus, for the foregoing reasons, Allen also does not disclose or suggest “*a photographing step of photographing the subject using the digital camera **after** confirming the subject on the basis of the display on the display device*” as claimed in independent claim 1.

As mentioned above, the device and method of Allen are not even concerned with confirming the subject before taking a photograph of the subject, as with the claimed invention. Instead, Allen merely is directed to taking photographs (for example, by a sports photographer at a sporting event) and transmitting (using voice commands) such photographs to a destination via a wireless transmission to a local image fulfillment center for printing or further transmission (e.g., see Allen at column 1, lines 57-65).

Thus, for the foregoing reasons, independent claim 1 clearly is not anticipated by, or rendered obvious from, the disclosure of Allen.

Dependent claims 2-4, 12, and 13

Applicant also submits that dependent claims 2-4, 12, and 13 also are not anticipated by, or rendered obvious from, Allen by virtue of their respective dependencies from independent claim 1, as well as for the additional features recited therein.

For example, claim 3 recites, *inter alia*, that “*the subject information comprises at least one of the subject’s photograph and name.*”

In comparison, as mentioned above, Allen merely discloses that the “*external input device 27 may be used to enter information such as text annotation, electronic addresses or file names that are to be associated with photographer’s utterances. An example of this would be an e-mail address such as *maghadam@kodak.com* which is associated with a spoken command such as ‘address 1’, or ‘grandma’ ” (see Allen at column 2, lines 63-67, and column 3, lines 1-4; emphasis added).*

That is, contrary to the Examiner’s position (see Office Action at page 3, lines 9-13), Allen does not disclose or suggest that the “*subject information*” loaded into the camera before the photograph is captured includes “*the subject’s photograph and name*”,

as claimed. Instead, Allen (at best) includes a “*file name*” for the photograph after the photograph is captured by the camera (see Allen at column 2, lines 63-67, and column 3, lines 1-4).

In other words, the claimed invention loads the subject information, including the subject’s photograph and name, before the photograph is captured so that the photographer can confirm that the subject is the correct subject to be photographed (e.g., see specification at page 4, lines 4-6; see also page 5, lines 5-7).

Thus, Allen clearly does not disclose or suggest that “*the subject information comprises at least one of the subject’s photograph and name*” as claimed in claim 3.

Independent Claims 14, 19, 23, and 36

Applicant submits that Allen also does not disclose or suggest all of the features of independent claims 14, 19, 23, and 36.

For example, independent claim 19 recites, *inter alia*, “*an input device which reads subject identification information and subject information from a recording medium having the identification information and the subject information recorded thereon, wherein said subject information comprises information that can be used to confirm an identity of said subject to be photographed*” (emphasis added).

For somewhat similar reasons as those set forth above with respect to claim 1, Allen does not disclose or suggest all of the features of the claimed invention as defined by independent claim 19.

On the other hand, independent claim 14 recites, *inter alia*, an image transmitting method, including “*an input step of inputting destination information from an external device to a digital camera, the information being indicative of a destination of an image,*

wherein said input step inputs destination information to the digital camera using radio communication” (emphasis added).

In comparison, Allen merely discloses that “[t]he camera 10 includes an interface, such as a SCSI port, for connecting to an external input device 27 such as a keyboard or LCD touch screen” (see Allen at column 2, lines 63-67). That is, Allen does not disclose or suggest that the camera uses “radio communication” to enter information, such as text annotation, etc.

Thus, Applicant submits that Allen does not anticipate, or render obvious, the novel and unobvious combination of features defined by independent claim 14.

Somewhat similarly, independent claim 23 recites, *inter alia*, “inputting added-to-image information added to an image of a subject and display information associated with the added-to-image information to a digital camera from an external device using radio communication.”

On the other hand, independent claim 36 recites, an image recording system, including:

- an external device which outputs, using radio communication,
- added-to-image information added to an image of a subject and
- display information associated with the added-to-image
- information; and
- a digital camera comprising:
 - a display device which displays the display information on the
 - basis of the display information input from the external device using
 - radio communication; and
 - a recording device which records an image of the subject after
 - the subject has been photographed and records the added-to-image
 - information input from the external device, in connection with the
 - image (emphasis added).

Thus, for somewhat similar reasons as those set forth above with respect to independent claim 14, Applicant submits that Allen does not anticipate, or render

obvious, the novel and unobvious combination of features defined by independent claims 23 and 36.

Applicant also submits that dependent claims 21, 22, and 24-35 also are not anticipated by, or rendered obvious from, Allen by virtue of their respective dependencies from independent claims 19 and 23, as well as for the additional features recited therein.

For the foregoing reasons, Applicant submits that all of the features of the claimed invention are not disclosed or suggested by Allen. Therefore, the Examiner respectfully is requested to withdraw this rejection and permit claims 1-4, 12-14, 19, and 21-36 to pass to immediate allowance.

B. Claims 5-10, 15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Clapper.

Applicant submits that dependent claims 5-10 also are not rendered obvious from Allen in view of Clapper by virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

That is, Clapper does not make up for the deficiencies of Allen. Indeed, Clapper is not even relied upon for the disclosure of, for example, “*an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject” or “a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device” as claimed in independent claim 1.*

Moreover, neither Allen nor Clapper discloses or suggests the additional features recited in claims 5-10.

For example, Allen and Clapper, alone or in combination, do not disclose or suggest “a step of reading the subject information corresponding to the read identification information, from a database having the subject information already stored in connection with the subject identification information...a transmitting step of transmitting the subject information read from the database, to the digital camera together with the identification information read from the recording medium” as claimed in claim 5.

As another example, Allen and Clapper, alone or in combination, do not disclose or suggest that “the subject information comprises at least one of the subject’s photograph and name” as claimed in claim 7.

Thus, claims 5-10 clearly are not obvious over Allen and clapper, either alone or in combination.

With respect to independent claim 15, Applicant submits that claim 15 is patentable over Allen and Clapper, either alone or in combination, for somewhat similar reasons as those set forth above with respect to claim 1.

That is, for somewhat similar reasons as those set forth above with respect to claim 1, Allen does not disclose or suggest all of the features of the claimed invention for which it is relied upon. On the other hand, Clapper clearly does not make up for these deficiencies of Allen, and indeed, is not even relied upon for these features.

For example, claim 15 recites an image recording apparatus, including “*an information transmitting device which reads subject information corresponding to the read identification information, from a database having the subject information already stored in connection with the subject identification information and transmits the subject information read from the database, together with the identification information read*

from the recording medium, wherein said subject information comprises information that can be used to confirm an identity of said subject to be photographed” (emphasis added).

Thus, Applicant submits that claim 15 is patentable over Allen and Clapper, either alone or in combination, for somewhat similar reasons as those set forth above with respect to claim 1.

Applicant also submits that dependent claims 17 and 18 also are not obvious over Allen in view of Clapper by virtue of their dependency from independent claim 15, as well as for the additional features recited therein.

For the foregoing reasons, Applicant submits that the claimed invention would not have been obvious from the cited references, either alone or in combination, and even if combined, such a combination would not disclose or suggest all of the elements of the claimed invention.

Therefore, the Examiner respectfully is requested to withdraw this rejection and permit claims 5-10, 15, 17, and 18 to pass to immediate allowance.

C. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Hamilton.

Applicant submits that claim 11 is patentable over Allen and Hamilton, either alone or in combination, for somewhat similar reasons as those set forth above.

That is, Allen does not disclose or suggest all of the features of the claimed invention for which it is relied upon. On the other hand, Hamilton does not make up for the deficiencies of Allen, and indeed, is not even relied upon for such features.

Thus, Allen and Hamilton, either alone or in combination, do not disclose or suggest all of the features of claim 11. The Examiner respectfully is requested to withdraw this rejection and permit claim 11 to pass to allowance.

D. Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Clapper and further in view of Schmitt.

Applicant submits that claim 16 is patentable over Allen, Clapper, and Schmitt, either alone or in combination, for somewhat similar reasons as those set forth above.

That is, Allen does not disclose or suggest all of the features of the claimed invention for which it is relied upon. On the other hand, Clapper and Schmitt do not make up for the deficiencies of Allen, and indeed, are not even relied upon for such features.

Thus, Allen, Clapper, and Schmitt, either alone or in combination, do not disclose or suggest all of the features of claim 16. The Examiner respectfully is requested to withdraw this rejection and permit claim 16 to pass to allowance.

E. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Schmitt.

Applicant submits that claim 20 is patentable over Allen and Schmitt, either alone or in combination, for somewhat similar reasons as those set forth above.

That is, Allen does not disclose or suggest all of the features of the claimed invention for which it is relied upon. On the other hand, Schmitt does not make up for the deficiencies of Allen, and indeed, is not even relied upon for such features.

Thus, Allen and Schmitt, either alone or in combination, do not disclose or suggest all of the features of claim 20. The Examiner respectfully is requested to withdraw this rejection and permit claim 20 to pass to allowance.

III. NEW CLAIMS

New claims 37-41 are added to provide more varied protection for the present invention as disclosed in the original specification and drawings. No new subject matter is added.

Applicant respectfully submits that claims 37-41 are patentable over any combination of the cited references for somewhat similar reasons as those set forth above with respect to independent claims 37-41, as well as for the additional features recited therein.

Thus, the Examiner respectfully is requested to permit claims 37-41 to pass to immediate allowance.

IV. FORMAL MATTERS AND CONCLUSION

Applicant requests that the Examiner acknowledge Applicant's claim to foreign priority and receipt of the priority documents filed on January 30, 2002.

Applicants also request that the Examiner acknowledge receipt of and accept the formal drawings filed on January 30, 2002.


In view of the foregoing, Applicant submits that claims 1-41, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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John J. Dresch, Esq.
Registration No. 46,672

Sean M. McGinn, Esq.
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254